

ZONING AND ADJUSTMENT BOARD

September 21, 2009

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, September 21, 2009, at 6:30 pm with the following members present: Larry Story-Chairman, Frank Topping-Vice-Chairman, Ron Berry, Dossie Singleton, Brad Sheppard, Nathan Yoder, Frank Szczepanski, Richard Cole, Bob Hunt and Woody Hill.

Members Marge Thies, Jessica Garner, and Bailey Cassels were absent.

Brad Cornelius, Planning Manager, and Sandy Cassels, Recording Secretary, were present. Derrill McAteer, Zoning and Adjustment Board Attorney, was also present.

Chairman Larry Story called the meeting to order.

Mr. Yoder led the pledge of allegiance, and Mr. Hunt led the prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the August 17, 2009, meeting. Mr. Berry seconded the motion, and the motion carried.

T2009-0027

Ruby Perry & Mary Simmons –Temporary Use Permit for three years to allow a mobile home as a caregiver's residence.

Ruby Perry, applicant, was present and requested a Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. There were nine notices sent. Of the nine notices sent, two were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Cornelius explained this case was brought before the Zoning & Adjustment Board (ZAB) previously as a renewal, but the person requiring care passed away prior to the case being heard. However, Mrs. Perry requires assistance with the day-to-day care of her husband who is ill.

Mr. Topping asked Mrs. Perry who resides in the mobile homes. Mrs. Perry stated she and her husband live in one; while their daughter, who will assist with the care, resides in the other.

Mr. Cole asked Mr. Cornelius if the mobile home is connected properly to the septic system. Mr. Cornelius stated we have received verification from Environmental Health stating the mobile home is connected properly.

Mr. Topping made a motion to approve the Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. Mr. Cole seconded the motion, and the motion carried.

T2009-0028

Ferman & Barbara Rayborn – Renew Temporary Use Permit for three years to allow a mobile home for a caregiver's residence.

Ferman Rayborn, applicant, was present and asked if Michelle Rayborn, his daughter, could speak on his behalf. Ms. Rayborn requested a renewal of a Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. There were eight notices sent. Of the eight notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Topping made a motion to approve the renewal of the Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. Mr. Cole seconded the motion, and the motion carried.

S2009-0013**First Baptist Church/Village of Faith Baptist Church – Amend S2008-0005 from 120 seats to 250 seats.**

Roy Henderson, representative for the applicant, was present and requested to amend S2008-0005 from 120 seats to 250 seats. There were nine notices sent. Of the nine notices sent, four were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Cornelius stated the change in seats was discovered at the time of submittal for Development Review to construct the church. Mr. Cornelius stated when the staff contacted Mr. Pledger, Pastor; Mr. Pledger stated the original number of 120 was incorrect. Mr. Cornelius stated staff reviewed the proposed amendment and recommends approval.

Mr. Topping made a motion to approve the Special Use Permit to amend the number of seats for Village of Faith Baptist Church from 120 to 250. Mr. Cole seconded the motion, and the motion carried.

R2009-0017**James Rainey – Rezone 0.96 acres MOL from a non-compliant A5 to ID to bring the property into compliance with the Future Land Use Map.**

Edward Abshier, representative for the applicant, was present and requested a rezoning on 0.96 acres MOL from a non-compliant A5 to ID (Industrial) to bring the property into compliance with the Future Land Use Map. There were nine notices sent. Of the nine notices sent, four were returned in favor and one was returned in objection. Mr. Cornelius read the letter of objection into the record. There were no objections from the audience.

Mr. Cornelius explained this rezoning will bring the property into compliance with the Future Land Use Map. Mr. Cornelius continued to explain the property is adjacent to other property owned by Mr. Rainey that also has the Future Land Use of Industrial and zoning of ID, and is within the Wildwood Interlocal Service Boundary Area/Joint Planning Area (ISBA/JPA).

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

R2009-0018**Daniel & Kathleen Button – Rezone 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer.**

Daniel & Kathleen Button, applicants, were present and requested a rezoning on 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer. There were 11 notices sent. Of the 11 notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Cornelius explained the original deed for the lineal transfer had an incorrect easement size and the applicant was able to file a corrective deed to provide for the required 50' easement..

Mr. Sheppard asked the applicant who was transferring the property. Mrs. Button stated her grandfather is transferring the property to her and her husband.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

Sumter County – Approve text amendment for the IP (Planned Industrial) zoning.

Mr. Cornelius stated this is a text amendment to the Sumter County Land Development Code (LDC) IP zoning district to allow for commercial and office uses as a secondary use to the primary industrial uses. Currently, the IP zoning only allows for Industrial uses in this district. Mr. Cornelius discussed the impacts this change would have on large industrial projects, by allowing a mix of uses. The proposed changes to the IP zoning district include: commercial and office uses as secondary uses to the primary industrial uses (commercial/office uses not to exceed 25% of total gross floor area); replace reference to ordinance with reference to resolution; clarify IP can also be applied within mixed future land use; provide modification of development timing requirements through adoption of a Development Agreement pursuant to Section

163.3220, Florida Statutes. The change of timing would relate to site development having 20 years to buildout as opposed 2 years to develop under the current IP regulations.

Richard Ondriezek, adjacent property owner, audience member, stated his objection to this proposed change in the LDC, stating this is a way for a developer to twist words around, making property more valuable for the developer.

Mr. Topping made a motion to recommend approval of the Text Amendment to the IP (Planned Industrial) zoning district to the Sumter County Land Development Code. Mr. Cole seconded the motion, and the motion carried.

R2009-0016

Lee Capital, LLC – Rezone 239.8 acres MOL from A5, ID, & C2 to IP (Planned Industrial)

Connor Chambers, Bo Medred, Carlos Beruff, and Peter Logan, Lee Capital, LLC, representatives for the applicant were present and requested rezoning of 239.8 acres MOL from A5, ID & C2 to IP (Planned Industrial). There were 20 notices sent. Of the 20 notices sent, two were returned in objection and none were returned in favor. Mrs. Cassels read the letters of objection into the record.

Mr. Medred explained the property has 100 acres MOL of industrial zoning at this time. Mr. Medred discussed the site plans for the property including all buffering, setbacks of buildings, loading docks, and access points. He also discussed the location of the project in relationship to major arterial roadways, including I-75, SR 44, the Florida Turnpike, and US 301. Mr. Medred discussed the County's Visioning meetings and the desire to have industrial property along the SR 44 corridor between US 301 and I-75.

Mr. Cornelius discussed the principal use chart of the Sumter County Land Development Code (LDC) and what types of uses are allowed in the Industrial zonings. He also explained uses that are special or conditional in the industrial zoning and the process of public hearings for the use approval. Mr. Cornelius stated the only way the site plan could be changed would be for the applicant to go through the public hearing process again. Mr. Cornelius explained the primary difference between CL (Light Commercial) and CH (Heavy Commercial) is outside storage. Mr. Cornelius also explained the SR 44 corridor is a good location for industrial land uses and zonings, because of its proximity to major roadways and availability of utilities from the City of Wildwood.

Mr. Medred and Mr. Beruff explained the type of business that the industrial park will be geared toward would be. There would be an Owner's Association to handle the common areas of the industrial park. Mr. Beruff explained the applicant has gone through a Letter of Map Revision (LOMR) for identification of the 100-year floodplain.

Mr. Ondriezek stated on the north side of the property there is an utility easement, which the applicant will not be able to use. Mr. Ondriezek asked what will semi-trailers entering the property be carrying, and will this be safe for adjacent property owners. Mr. Ondriezek wanted to express his displeasure with the idea of another industrial park being placed in the county when there are two or three which are not completely developed.

Mr. Medred discussed the condition of CR 219 and the developer's obligation to make improvements on the section of CR 219 that will be along the project's boundary. Mr. Berry asked if there is a true need for the usage of CR 219. Mr. Medred explained the usage of CR 219, at the northern most driveways, will be for employees coming from the north. Mr. Topping questioned Mr. Medred on the drive being a gated driveway for employees with a pass key/code. Mr. Medred stated this may be a future option.

Mr. McAteer reminded the Board this is a Quasi Judicial hearing and only competent, substantial testimony should be weighed in making their decision.

Mr. Cornelius reminded the Board this property has gone to the Department of Community Affairs (DCA) for a future land use change to Industrial and at that time the applicant was able to demonstrate a need for the Industrial future land use.

The ZAB expressed concern regarding the need to have a more specific description of potential uses. Mr. Cornelius proposed the addition of two conditions to address this concern and prohibit sexually oriented businesses and only allow permitted uses in the commercial or industrial zoning districts as permitted by right and require special or conditional uses to proceed through a separate public hearing process. The applicant did not object to the added conditions.

Mr. Topping made a motion to recommend approval of the rezoning including all staff conditions and the two additional conditions: prohibit sexually oriented businesses and allow permitted uses in the commercial or industrial zoning districts as permitted by right to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

Chapter 163 – Developers Agreement

Approval of a Developer's Agreement – Chapter 163, for Lee Capital Limited Partnership Industrial Park.

The ZAB acting as the County's Local Planning Agency, and this is the first of two required public hearings.

Mr. Cornelius explained the applicant would have to report annually on the progress of the project.

The ZAB discussed the 20 year build-out. Mr. Cornelius and Mr. Beruff explained the changes.

Mr. Topping made a motion to recommend approval of the Chapter 163/Developers Agreement with the limitations of allowable uses in the Sumter County Land Development Code Principal Use Chart being allowed, but any use that would require a Special or Conditional Use Permit being allowed only with the passage of the Use at all required public hearings, and the express disallowance of any sexually orientated business. Mr. Cole seconded the motion, and the motion carried.

Mr. Cornelius announced the seconded and final public hearing for the Chapter 163/Developer's Agreement will be held by the Board of County Commissioners on September 29, 2009.

Reconsideration of R2009-0016 motion:

Mr. Topping asked if he could modify his motion for case number R2009-0016 to clarify his motion. Mr. McAteer stated Mr. Topping could amend the motion.

Mr. Topping made a motion to recommend approval of case number R2009-0016 to the Board of County Commissions with staff conditions and the addition of limitations of allowable uses in the Sumter County Land Development Code Principal Use Chart in the commercial or industrial zoning districts being allowed, but any use that would require a Special or Conditional Use Permit being allowed only with the approval of the Use through required public hearings, and the express prohibition of any sexually orientated business. Mr. Cole seconded the motion, and the motion carried.

Mr. Cole made a motion to adjourn at 8:35 P.M. Mr. Berry seconded the motion, and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board